

**REMARKS**

Though claims 14, 16, 32, 48, 55, 56, 61, 62, 85, 92, 96-98, and 101-104 have been amended, these amendments are directed at correcting for a proper antecedent basis, and/or to correct grammatical or typographical errors. As such, these amendments are not related to the patentability of these or other claims.

**Section 102 Rejections**

(a.) Claims 1-2, 12-35, 40-42, 46-49, 51-54, 57, 61-70, 72-77, 80-84, 91-95, 98, 99-105, 107 and 108 were rejected under 35 U.S.C. §102(b) as being anticipated by Hall et al. ("Hall"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Independent claims 1, 62, 80, 84 and 102 (and thus all of the claims) are directed at: (a) an apparatus or method for processing customer orders which comprises, among other things, a transceiver which is broadcasting a wireless signal to establish a wireless communications link with a mobile customer within a predetermined distance of a vendor facility; or (b) a personal wireless communications apparatus (e.g., one used by a customer) or corresponding method which includes, among other things, a wireless transceiver for receiving order information when the personal wireless communications apparatus is within a predetermined range of a vendor facility which is broadcasting a wireless signal. In contrast, there is no disclosure or suggestion in Hall that its service provider system (SPS) 150 broadcasts a wireless signal to establish a

wireless communication link with its mobile customer premises equipment (MCPE) 105 within a predetermined distance of the SPS 150. To the contrary, it appears that a customer 100 may place an order with the SPS 150 no matter how far the customer 100 or MCPE 105 is located from the SPS 150. Any order, regardless of distance, is received and scheduled by a local scheduler 376 so that it is completed to coincide with the customer's arrival at the local facility, regardless of how far the customer is from the facility.

In addition, there is no disclosure or suggestion in Hall that the SPS 150 broadcasts a wireless signal in order to establish a communications link with a potential customer. Instead, the SPS 150 must wait for a mobile customer to originate a connection in order to place an order with the SPS 150.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of the previously rejected claims.

**(b.)** Claims 1, 31 and 35-39 were rejected under 35 U.S.C. §102(e) as being clearly anticipated by Showghi et al. ("Showghi"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Claim 1 is directed at a communications transceiver for, among other things, broadcasting a wireless signal to establish a wireless communications link with a mobile customer at a predetermined distance of a vendor facility. In contrast, Showghi at least does not disclose or suggest a transceiver that broadcasts a wireless signal to establish a wireless link with a mobile customer. Instead of broadcasting a wireless signal, the base transceiver

station 28 waits for an order from patrons already at a venue/facility (e.g., concert, game or other event) or alternatively, from patrons that are just arriving at an event.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 31 and 35-39.

Claims 1, 2, 12, 14, 15, 22-32, 37, 40-43, 46-48, 51-54, 57, 58, 60, 61 and 85 were rejected under 35 U.S.C. §102(e) as being clearly anticipated by Pentel. For at least the following reasons, Applicants respectfully disagree and traverse this rejection.

Each of the rejected claims, except claim 85 depends on independent claim 1. Dependent claim 85 depends on independent claim 84. Accordingly, Applicants will address the patentability of claims 1 and 84 over Pentel. Because all the remaining rejected claims depend on either one of these two claims, the arguments presented for the patentability of claims 1 and 84 will apply equally to these claims as well.

As indicated before, claim 1 is directed at an apparatus for processing customer orders which, among other things, comprises a transceiver for broadcasting a wireless signal to establish a wireless communication link with a mobile customer within a predetermined distance of a vendor facility while claim 84 is directed at an analogous method. In contrast, there is no disclosure or suggestion in Pentel of a transceiver which broadcasts a wireless signal to establish a wireless communication link with a mobile customer

within a predetermined distance of a vendor facility. All of the orders in Pentel are received by a remote ordering system 10 from input devices 12. There is no disclosure or suggestion in Pentel of a communications transceiver which broadcasts a wireless signal to establish a wireless communication link with a mobile customer, as in the present invention. Rather, the ordering system 10 includes a drive-up ordering station 14 which transmits an order to the drive-up ordering station 14. There is no disclosure or suggestion that the drive-up ordering station 14 broadcasts a wireless signal to establish a wireless link with the input devices 12.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 2, 12, 14, 15, 22-32, 37, 40-43, 46-48, 51-54, 57, 58, 60, 61 and 85.

### **Section 103 Rejections**

The Office Action also includes a number of rejections under 35 U.S.C. §103. Applicants note that none of the cited references, taken separately or in combination, discloses or suggests a transceiver that broadcasts a wireless signal to establish a wireless communications link with a mobile customer within a predetermined distance of a vendor facility, as in the present invention. As noted above, the Office Action's reliance on Hall does not cure this deficiency. The orders received in Hall are sent from an MCPE 105 to a SPS 150. There is no disclosure or suggestion that the SPS 150 is broadcasting a wireless signal to establish a wireless communication link with

the MCPE 105, as in the claims of the present invention. In addition, the orders which are received by an SPS 150 may be received from an MCPE 105 regardless of the distance the MCPE 105 is from the SPS 150.

At least one rationale inherent in the use of a predetermined distance is to ensure that orders are not accepted from customers who are too far away from a vendor facility. When customers are too far away, such an order would unnecessarily be processed adding congestion to the system.

In addition, with respect to claims 10 and 11, there is no disclosure or suggestion in any of the references, taken separately or in combination, for a wireless apparatus for processing customer orders which comprises, among other things, a communications transceiver for broadcasting a wireless signal to establish an LAN IEEE 802.11 or Bluetooth compliant, wireless communications link with a mobile customer at a predetermined distance of a vendor facility, as in claims 10 and/or 11. While the indicated references may refer to the 802.11 Standard or Bluetooth, neither combination of references discloses or suggests a transceiver with the features discussed repeatedly above which communicates with a mobile customer over an 802.11 or Bluetooth compliant link.

In sum, the claims of the present invention would not be rendered obvious to one of ordinary skill in the art upon reading the relied-upon references, taken separately or in combination.

Accordingly, Applicants respectfully request withdrawal of the pending 103 rejections and allowance of the previously rejected claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

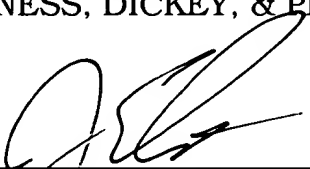
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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